

### REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on January 15, 2002, and the references cited therewith.

No claims have been amended, canceled or added in the response; claims 1-23 remain pending in this application.

#### §103 Rejection of the Claims

Claims 1-23 were rejected under 35 USC § 103(a) as being unpatentable over Tabuchi (U.S. 5,822,583) in view of Ruckdashel (U.S. 6,038,542). Applicant respectfully traverses the rejections. Applicant does not admit that Ruckdashel is prior art, and reserves the right to swear behind it at a later date. Nevertheless, Applicant respectfully submits that the claims are distinguishable over the combination of Tabuchi and Ruckdashel for the reasons argued below.

In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully submits that the combination of Tabuchi and Ruckdashel fails to teach or disclose each and every element of Applicant's claims.

Among the elements of Applicant's claims not found in either Tabuchi or Ruckdashel is the recitation in independent claim 1 of "a notification transceiver communicatively connected to the notification controller and capable of transmitting a message containing data on the event." Claim 7 recites similar language with respect to a notification transceiver. The Office Action at page 3 states that Tabuchi discloses a notification controller and transceiver in Figure 1. However, the Office Action did not identify any specific elements of Figure 1 that correspond to

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Fig 1  
the transceiver or notification controller. Applicant has carefully reviewed Tabuchi, including Figure 1 and the description of Figure 1 in the specification, and can find no such teaching or disclosure. There is no element in Tabuchi's Figure 1 labeled as a transceiver, nor is any element labeled as a transmitter or a receiver. Furthermore, Applicant has reviewed the specification, including performing a computerized text search, and can find no references in Tabuchi to a transceiver, transmitter, or receiver of any kind. As a result, Tabuchi does not teach or disclose a notification transceiver as recited in Applicant's claims.

Applicant has also carefully reviewed Ruckdashel including performing a computerized text search for a transceiver, and can find no teaching or disclosure in Ruckdashel of a transceiver of any kind. As a result, neither Tabuchi nor Ruckdashel, alone or in combination, teach a notification transceiver as recited in Applicant's claims. Therefore the cited art does not present a *prima facie* case of obviousness. The Examiner is respectfully requested to withdraw the rejection of claims 1 and 7.

Claims 2-6 and 19 depend from claim 1 and claims 20-22 depend from claim 7. These dependent claims inherit the elements of their respective base claims and add further patentable distinctions. They are therefore nonobvious for the same reasons as discussed above regarding claim 1 and 7.

Another element of Applicant's claims that is not taught or suggested in the combination of Tabuchi and Ruckdashel is found in independent method claim 8 and computer-readable medium claim 13, each of which recite "signaling software controlling a notification controller coupled to a bus and a transceiver." As discussed above, neither Tabuchi nor Ruckdashel teach a transceiver. Further, neither Tabuchi nor Ruckdashel teach signaling software that controls a notification controller coupled to a bus and a transceiver. The Office Action asserts that Tabuchi, at column 1, lines 24-45 and column 4, lines 44-61 teaches the recited language. Again, the Office Action does not identify any specific element of Tabuchi that corresponds to a notification controller or a transceiver. Applicant has searched both Tabuchi and Ruckdashel, including performing a computerized text search, and can find no reference to a notification controller. As a result, the Office Action fails to present a *prima facie* case of obviousness with

respect to claims 8 and 13. The Examiner is therefore respectfully requested to withdraw the rejection of claims 8 and 13.

Claims 9-12 and 23 depend from claim 8 and claims 14-18 depend from claim 13. These dependent claims inherit the elements of their respective base claims and add further patentable distinctions. They are therefore nonobvious for the same reasons as discussed above regarding claim 8 and 13.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6954) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date April 15, 2002 By   
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner of Patents, Washington, D.C. 20231, on this 15th day of April, 2002.

Rodney L. Lacy  
Name

  
Signature